

February 24, 2025

**BY ECF**

Hon. LaShann DeArcy Hall  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: *Trooper 1 v. NYSP et al.*, 22-cv-893 (LDH) (TAM)**

Dear Judge DeArcy Hall:

We represent former Governor Andrew Cuomo and write to follow up on our letter, filed on August 8, 2024 at ECF No. 268, requesting a pre-motion conference prior to making a motion for partial judgment on the pleadings pursuant to FRCP 12(c). That letter concerned Governor Cuomo's intent to move for judgment in his favor on Trooper 1's Second Cause of Action (the "EP Retaliation Claim").

As described in the letter, the EP Retaliation Claim fails as a matter of law for three reasons: (1) as with the other retaliation claims that the Court already dismissed in its Order at ECF No. 258, Trooper 1 fails to plead employment or economic relationship between herself and Governor Cuomo at the time of the alleged conduct; (2) Trooper 1 fails to plead that any protected activity caused Governor Cuomo's allegedly retaliatory conduct because the time gap between the protected activity and the allegedly retaliatory conduct; and (3) Trooper 1 fails to plead that Governor Cuomo acted under color of state law, especially given that he had resigned from the governorship at the time of the alleged events. Governor Cuomo seeks the motion to narrow the scope of discovery significantly. *See* ECF No. 268.

According to the Court's Individual Practice III(B)(1), Governor Cuomo cannot initiate this FRPC 12(c) motion before the Court holds the pre-motion conference and enters a briefing schedule. Governor Cuomo again respectfully requests that the Court schedule a pre-motion conference so that this issue can be fully briefed and resolved in advance of the discovery deadlines in this case.

Respectfully submitted,

/s/ Theresa Trzaskoma

Theresa Trzaskoma